

ONE HUNDRED NINTH LEGISLATURE - SECOND SESSION - 2026
COMMITTEE STATEMENT
LB340

Hearing Date: Friday February 21, 2025
Committee On: Judiciary
Introducer: Hallstrom
One Liner: Adopt the Asbestos Trust Claims Transparency Act and the Asbestos Claims Priorities and Over-Naming Reform Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Bosn, Hallstrom, Holdcroft, Storer, Storm
Nay:	3	Senators DeBoer, McKinney, Rountree
Absent:		
Present Not Voting:		

Testimony:

Proponents:

Senator Bob Hallstrom
Mary Margaret Gay

Robert Bell

Opponents:

Elizabeth Govaerts

Neutral:

Representing:

Opening Presenter
U.S. Chamber of Commerce Institute for Legal Reform
Nebraska Insurance Federation

Representing:

Nebraska Association of Trial Attorneys

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 340 creates two new statutory frameworks for civil litigation involving exposure to asbestos.

The bill adopts the Asbestos Trust Claims Transparency Act which requires a claimant bringing an asbestos action to file all available asbestos trust claims, disclose all trust claim materials, and continue supplementing such disclosures. Trust claim materials and trust governance documents are admissible as evidence. The purpose is to provide transparency regarding exposure history and prevent duplicative recovery.

The bill also adopts the Asbestos Claims Priorities and Over-Naming Reform Act which establishes procedural and evidentiary requirements in asbestos litigation, including requiring a claimant to file an affidavit specifying the factual basis for each claim against each defendant; requires a detailed narrative medical report and supporting test results establishing prima facie evidence of asbestos-related impairment; defines the evidence necessary to make a prima



facie showing; restricts discovery until prima facie evidence is established; limits consolidation of asbestos actions; and tolls the statute of limitations under § 25-224 for nonmalignant asbestos-related claims until diagnosis of qualifying impairment or death, whichever occurs first.

Section-by-Section Summary:

Section 1: Titles sections 1 to 7 of the bill as the Asbestos Trust Claims Transparency Act.

Section 2: Defines terms for purposes of the Asbestos Trust Claims Transparency Act.

Section 3: Requires a claimant in an asbestos action, within 30 days of filing the action, to submit all available asbestos trust claims, provide all related trust claims materials, and file and provide all parties with an affidavit indicating that all asbestos trust claims that can be made by the claimant have been filed and that all trust claims materials produced by the claimant are true and complete. A deferral or placeholder claim that is missing necessary documentation does not meet the requirements in this section. The claimant must also file all trust claims filed by others if based on exposure to asbestos through the claimant.

Section 4: Provides that, not less than 60 days before trial, a defendant may move for a court order requiring the claimant to produce all asbestos trust claims if the defendant believes the claimant has not filed all such claims.

Section 5: Provides that a defendant may seek discovery from claim materials and trust governance documents, that all such materials and documents are admissible as evidence in an asbestos action, and that no privilege claims apply.

Section 6: Provides that when damages are awarded in an asbestos action and setoffs are permitted, a defendant is entitled to a setoff in the amount the claimant has received from an asbestos trust. For unpaid trust claims, the setoff amount will be the amount the claimant will receive as specified in the applicable trust governance documents. If multiple defendants are liable, the court shall distribute the setoff amount proportionately according to each defendant's liability.

Section 7: Provides that the Asbestos Trust Claims Transparency Act applies to asbestos actions filed on or after LB 340's effective date.

Section 8: Titles sections 8 to 17 of the bill as the Asbestos Claims Priorities and Over-Naming Reform Act.

Section 9: Defines terms for purposes of the Asbestos Claims Priorities and Over-Naming Reform Act.

Section 10: Requires the claimant in an asbestos action, within 30 days after filing the action, to file and provide to all parties an affidavit specifying the evidence providing a basis for the action.

Section 11: Requires the claimant in an asbestos action, within 30 days after filing the action, to provide all parties with a detailed narrative medical report accompanied by supporting test results constituting prima facie evidence the exposed person has a physical impairment for which exposure to asbestos was a substantial contributing factor. A defendant is entitled to challenge the adequacy of the prima facie evidence and the court must dismiss the asbestos action with prejudice if the claimant fails to present prima facie evidence or to comply with the requirements of the Asbestos Claims Priorities and Over-Naming Reform Act.

Section 12: Sets out the required evidence to a make a prima facie showing for asbestos-related non-malignant conditions.



Section 13: Sets out the required evidence to a make a prima facie showing for asbestos-related malignant conditions.

Section 14: Provides that evidence related to the prima facie showings does not create a presumption that the exposed person has an asbestos-related impairment nor is it conclusive of any defendant's liability.

Section 15: Provides that, except for discovery related to establishing or challenging prima facie evidence, an asbestos action is not subject to discovery until a court enters an order determining that the exposed person has established prima facie evidence of impairment.

Section 16: Allows a court to consolidate asbestos actions with the parties' consent. Absent such consent, a court can consolidate asbestos actions relating to the exposed person and members of his or her household.

Section 17: Provides that the Asbestos Claims Priorities and Over-Naming Reform Act applies to asbestos actions filed on or after LB 340's effective date.

Section 18: Amends § 25-224, which establishes a 4-year statute of limitations for asbestos claims, to provide that the period of limitations for an asbestos action (as defined in the Asbestos Claims Priorities and Over-Naming Reform Act) for any non-malignant asbestos-related condition that is not barred shall be tolled until the earlier of the date the exposed person receives or reasonably could have received a diagnosis or the person's death, whichever is earlier.

Section 19: Repealer.

Explanation of amendments:

The committee amendment (AM 1283) strikes and replaces the original sections to make the following changes to LB 340:

Section 4 is amended to require a defendant to meet and confer with claimant's counsel before moving for a court order requiring the filing of additional asbestos trust claims. This adds a procedural step intended to encourage resolution prior to judicial intervention.

Section 5 is amended to provide that juries shall not be informed of the specific amount paid by an asbestos trust to a claimant. The jury may be informed that trust payments were received, but not the dollar amount.

Section 9 is amended to remove the definition of "board-certified in oncology."

Section 10 is amended to extend the deadline for filing affidavits identifying the evidentiary basis for each claim against each defendant from 30 days to 60 days after filing the action.

Section 13 is stricken from the bill. That section related to a prima facie case for malignant conditions and the requirement of a detailed medical report.

Carolyn Bosn, Chairperson

